

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
COURT FILE NO.: \_\_\_\_\_**

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Mary Lee,

Plaintiff,

v.

Monarch Recovery Management, Inc.,

Defendant.

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**COMPLAINT**

**JURY TRIAL DEMANDED**

**JURISDICTION**

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d).
2. This action arises out of Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA").

**PARTIES**

3. Plaintiff Mary Lee is a natural person who resides in the City of Mahtomedi, County of Washington, State of Minnesota, and is a "consumer" as that term is defined by 15 U.S.C. § 1692a(3).
4. Defendant Monarch Recovery Management, Inc. (hereinafter "Defendant") is a foreign company engaged in the business of collecting debts, operating from an address of 10965 Decatur Road, Philadelphia, Pennsylvania 19154. Defendant is a "debt collector" as that term is defined by 15 U.S.C. § 1692a(6).

**FACTUAL ALLEGATIONS**

5. Prior to March 2010, Plaintiff allegedly incurred a “consumer debt,” as that term is defined by 15 U.S.C. §1692a(5), with an unknown creditor.
6. Upon information and belief, in or about March 2010, the alleged debt was transferred, sold, or assigned to Defendant for collection.
7. On or about March 25, 2010, Defendant called Plaintiff’s cell phone and left the following voice message:

“This message is for Mary Lee. Mary this is Mrs. Cook. Give me a call when you receive my message. You can reach me at 8662270605. My extension is 2671. Again it’s 8662270605. My direct extension is 2671. Give me a call when you receive my message.”
8. Defendant’s message dated on or about March 25, 2010 failed to disclose that Defendant was a debt collector and the purpose of the communication was an attempt to collect a debt in violation of 15 U.S.C. §§ 1692d(6) and 1692e(11).
9. Defendant’s message dated on or about March 25, 2010 also failed to disclose Defendant’s identity and the purpose of the communication was an attempt to collect a debt in violation of 15 U.S.C. §§ 1692d(6).
10. Defendant failed to provide Plaintiff with her validation rights, in violation of 15 U.S.C. § 1692g.
11. As a result of the above violations of the FDCPA, Defendant is liable to Plaintiff for her actual damages, statutory damages, and costs and attorney’s fees, pursuant to 15 U.S.C. § 1692k.

**TRIAL BY JURY**

12. Plaintiff is entitled to and hereby demands a trial by jury. US Const. amend. 7.  
Fed. R. Civ. Pro. 38.

**CAUSES OF ACTION**

**COUNT I.**

**VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT**

**15 U.S.C. §1692 et seq**

13. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.
14. The foregoing acts and omissions of Defendant constitute violations of the FDCPA, including but not limited to each and every one of the above-cited provisions of the FDCPA, 15 U.S.C. § 1692 et seq.
15. As a result of Defendant's violations of the FDCPA, Plaintiff has suffered damages and is entitled to actual damages pursuant to 15 U.S.C. § 1692k(a)(1); statutory damages in the amount of \$1,000.00 pursuant to 15 U.S.C. § 1692k(a)(2)(A); and, reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1692k(a)(3) from Defendant.

**PRAYER FOR RELIEF**

**WHEREFORE**, Plaintiff prays:

- That judgment be entered against Defendant for actual damages, pursuant to 15 U.S.C. § 1692k(a)(1);
- That judgment be entered against Defendant for statutory damages pursuant to 15 U.S.C. § 1692k(a)(2)(A) & (B);

- That the Court award costs and reasonable attorney's fees, pursuant to 15 U.S.C. § 1692k(a)(3); and
- That the Court grant such other and further relief as may be just and proper.

Dated this 19th day of July, 2010.

Respectfully submitted,

By: /s Thomas J. Lyons  
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*ATTORNEYS FOR PLAINTIFF*

## VERIFICATION OF COMPLAINT AND CERTIFICATION BY PLAINTIFF

[illegible]

I, Mary Lee, having first been duly sworn and upon oath, deposes and says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorney and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification, or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this civil Complaint in good faith and solely for the purposes set forth in it.

s/Mary Lee  
Mary Lee

Subscribed and sworn to before me  
this 1st day of July, 2010.

s/Andrea L. Weber  
Notary Public